

RUTHERFORD COUNTY SHERIFF'S OFFICE

Policy Title: EVIDENCE AND PROPERTY MANAGEMENT

Policy Number: 3.08

Date: April 2008

POLICY

The Rutherford County Sheriff's Office has occasion to obtain custody and control of property received as found, recovered, and evidentiary. Evidence will be collected, preserved and disposed of in compliance with legal requirements. All evidence taken into custody will be properly secured, stored and retrieved. The chain of custody will be preserved at all times. Any changes in the status of evidence will be fully documented. All property taken will be submitted to the Evidence/Property Control System before the end of the officer's tour of duty.

DEFINITIONS

Chain of custody: Documentation of persons who have had physical custody or control of evidence.

Contraband Property: Any item that is illegal to possess.

Evidential property: Any item seized by an officer in connection with any criminal action.

Found property: Any item found by an officer or given to an officer where there is no evidentiary value.

Sensitive Items: Money, drugs, guns and property obtained in a case where Confidential Informant's names are written on the property report and/or evidence container.

PROCEDURES

1. The Sheriff will appoint an Evidence/ Property Manager who will have custody of the designated property reception and storage areas. The Evidence/ Property Manager will then appoint two (2) technicians who will assist the manager. The Evidence/ Property Manager and technicians are accountable for all items found, recovered, or evidentiary property for which they have access.

2. The permanent property storage area in the department is the property rooms located in the Forensics Lab, or predetermined areas and/or locations.
3. Items of evidentiary value that have been turned in by an officer shall be kept in storage as indicated below:
 - (a) Misdemeanor cases: Items will be held for a period of three years from the date of entry into the system. These items will be destroyed or returned to the rightful owner (if applicable) after the three year time frame unless the collecting officer presents a reason in writing as to why the items should not be disposed. Court Orders will be required for all items that are destroyed.
 - (b) Felony and Federal cases: Items will be held for a period of three years from the date of entry into the system. These items will be destroyed or returned to the rightful owner (if applicable) after the Three year time frame unless the collecting officer presents a reason in writing as to why the items should not be disposed. Court Orders will be required for all items that are destroyed.
 - (c) Found Property: The collecting officer shall make every attempt possible to locate the rightful owner of the found items and submit in writing a list of the action taken to locate the rightful owner before the end of the collecting officer's tour of duty. If the owner of the found property cannot be located the collecting officer shall submit the items and the written list of the action taken into the Evidence/Property system. Found items shall be stored for thirty (30) days and an attempt to contact the rightful owner shall be made by the Evidence/Property Technician. At the expiration of thirty (30) days the property shall be donated to a charitable organization or destroyed. Items that are worthless or that appear to have been discarded should not be collected. Items that have been left behind at commercial establishments should be treated as found property. (See found property section for procedures).
 - (d) Hazardous or explosive items: Hazardous or explosive items such as chemicals, items that have been contaminated by hazardous material or any item that cannot be made safe for handling will not be accepted into the Evidence/ Property system (**NO EXCEPTIONS**). The safety of all employees is

of the up most importance. Any officer collecting or seizing any hazardous or explosive material shall notify the communications center to contact the Emergency Management Director for the disposal of these items. This section also includes corrosive items. Any hazardous, explosive or corrosive item will not be transported in any departmental vehicle or stored in any departmental storage facility (**NO EXCEPTIONS**).

4. Disposition of any property entered into the system.

Any Contraband, Evidential or Sensitive property entered into the system by an officer and a court disposition has been obtained shall be disposed of as follows:

(a) The obtaining of destruction orders for contraband, evidential or sensitive property shall be the responsibility of the officer that initially obtained the property, unless the case is turned over to another division for investigation (i.e. Detective Division or Narcotics Division), then it shall become the investigating officer's responsibility to obtain the proper order(s) of disposition. Any property that has been turned over to the Forensic Division for processing or property to be entered into the evidence/ property system will be the responsibility of the officer that initially obtained the property or investigating officer. When the proper orders of disposition have been signed by the presiding judge, or a Sheriff's Order has been obtained and signed by the Sheriff it shall be the responsibility of the investigating officer to deliver the signed order to the Evidence/ Property Technician within a reasonable amount of time. When the Evidence/ Property Technician receives an order of disposition, the technician shall pull the evidence or property from the assigned storage bin and place the items into the proper bin for destruction or contact the rightful owner of the property for return and then the Evidence/ Property Technician shall file the signed property report along with the order attached in the designated file for storage. Proper documentation should also be made in the Evidence/Property computer system. These records will be stored for a minimum of five (5) years and are subject to audit by the Evidence/ Property Manager and the Administration of the department at any time. If the officer doesn't obtain the proper destruction order (orders) in a timely manner the officer shall be reprimanded. **Violation of this policy will result in disciplinary action.**

5. Procedures for entering items into the Evidence/Property system.

(a) When an officer enters Evidence/ Property into the system the officer shall properly package all items and properly label these items in the following manner:

(b) Drugs: Pill form, rock substance, Marijuana and paraphernalia items shall be packaged in clear plastic bags with the case number, officer's name, defendant's information, a brief description of the contents, and each item shall have an item number clearly marked on the clear plastic bag. Each plastic bag shall be properly sealed to maintain the integrity of the evidence.

(c) Currency: All currency shall be packaged in clear plastic bags with the case number, officer's name, defendant's or owners name, the amount and item number clearly marked on each plastic bag. Currency shall also have witness's initials on the seal of each bag along with the collecting officer's initials. When collecting currency the collecting officer shall count the currency in the presence of another officer and both officers shall initial and document the amount on each plastic bag. (See section 15 for further policy regarding Currency)

(d) Firearms: Firearms shall be made safe by unloading the firearm and placing a plastic zip tie around the firearm in a manner to interfere with the firing mechanism rendering the firearm unable to discharge. Any ammunition shall be packaged separately and placed in the same intake locker with the firearm. Any ammunition collected and entered into the system shall be placed in the designated destruction bin by the Evidence/ Property Technician with the exception of ammunition collected at major case scenes such as homicides, felony assaults, etc. Ammunition will not be returned to the owner in addition to the returning of a firearm. Ammunition that was seized by an Ex-Parte Order will be returned to its rightful owner after a Judges Order has been obtained. The firearm shall be labeled with a tag that has the case number, officer's name, defendant or owners name and item number clearly marked on the label. Any firearm that cannot be made safe **will not be accepted** into the Evidence/ property system. **(No Exceptions)**. Black powder or muzzle loading firearms should have their ignition source

removed from the firearm before it will be accepted into evidence.

6. **Items of evidence/ property requiring processing:** Any item that requires processing by the Forensic Division shall be properly bagged and sealed and placed in the evidence/ property intake room at the Forensics Lab building. If an item requires processing, the collecting officer shall clearly indicate on the property report what type of processing is required.

(a) Large items: Large items of evidence/ property such as chainsaws, lawnmowers, bicycles etc. shall be placed in the evidence/ property impound lot located beside the Rutherford County Maintenance Garage on Fair Ground Road and the property report shall be delivered to the evidence/ property room located inside the Forensics Lab and placed in the clearly marked box hanging on the wall. The large items shall be clearly marked with a label with the item number, collecting officer's name, defendant or owners name and case number. If a large item requires processing, the collecting officer shall notify the Forensic Investigator on call before the end of the collecting officer's tour of duty. The notification can be made in writing by leaving the request in the box hanging on the wall of the evidence/ property intake room located at the Forensics Lab. This section also includes vehicles. If a large item requires transport to the impound lot by the use of a wrecker service, the collecting officer shall clearly indicate the name of the wrecker service on the property report.

(b) Bloody or wet items: Bloody or wet items shall be packaged and sealed in paper bags by the collecting officer. The collecting officer shall clearly label the bag with the case number, officer's name, item number, defendant and victims name and a brief description of the contents including that the items are wet or bloody. The Evidence/ Property Technician shall remove the wet or bloody items as soon as possible and hang them in the drying room for a period of time that allows the items to completely dry. Then the Evidence/ Property Technician shall bag and seal the items and log them into the system.

(c) Any officer submitting evidence/ property shall clearly fill out an evidence/ property report and any failure to do so will result in disciplinary action.

(d) The Evidence/ Property Technician shall keep a record and chain of custody of all property and the records shall be kept for a period of five (5) years after final disposition. All evidence/ property records shall be subject to audit at any time by the Evidence/ Property Manager and the Sheriff's Office Administration.

(e) **Evidence room access:** The Evidence/ Property Technicians, members of the Forensic Division and the Sheriff's Office Administration are the only employees to have unsupervised access to the evidence room. All other officer's and civilians shall be accompanied at all times in the evidence rooms and lab by the Evidence/ Property Technician or Forensic Division Member. Any violation of this section will result in disciplinary action. The evidence intake room and the permanent storage area shall be secured at all times when unoccupied.

(f) Refrigerated items: Refrigerated or perishable items shall be properly bagged, sealed and placed in a locker in the evidence/ property intake room located at the Forensics Lab for a period of no longer than twenty four (24) hours. If the items are collected on weekends or holidays where the evidence/ property technician will not retrieve the items from the locker, the collecting officer shall contact the Forensic Investigator on call before the end of the collecting officer's tour of duty.

7. Procedures pertaining to evidence/ property intake room:

(a) Any officer delivering evidence/ property to the intake room shall upon entering the facility disengage the alarm system with the officer's assigned code and before leaving the officer shall reset the alarm system in the proper manner using the procedures provided to them. This section pertains to evidence/ property being delivered after hours, holidays and weekends when Evidence/ Property Technicians and Forensic personnel are not working. **Violation of this policy will result in disciplinary action.**

8. Checking out evidence: Employees may check evidence/ property when needed for court cases or for investigative purposes. In all such cases the Evidence/ Property personnel shall make a log entry to record the transaction. The log entry shall contain the officer's name, case number, date and time, description of property, property control number and the officer's signature. The officer taking custody of the property shall keep it

in his possession at all times until the court takes custody of the property or it is checked back into a property storage area.

9. All narcotics and dangerous drugs used by the Canine Unit Personnel for training purposes shall be maintained in a locked storage device that is affixed inside the trunk of the officers patrol vehicle. Narcotics shall be signed out in accordance with the Canine Policy. When the training with narcotic drugs are no longer of use to the Canine Unit the Canine officer shall complete a property report and turn in the narcotics to the Evidence/ Property Personnel for destruction.
10. Evidence may be released or disposed of with the approval of the District Attorney's Office, with a court order, or when the court has entered a disposition for the property. Upon written approval by the District Attorney, property in pending cases will be photographed and returned to the true owner or possessor.
11. Found property may be released to the true owner or possessor of the property. The true owner or possessor must furnish identification and proof that they are the true owner or possessor. Whenever an item is subject to conflicting claims of ownership and no one can show true ownership the property may not be released in the absence of a court order. The Evidence/ Property Technician shall maintain a copy of the court order for a minimum of five (5) years.
12. Property may be disposed of after the satisfaction of all legal requirements. The property may be disposed of by auction, destruction, or other means dictated by the North Carolina General Statutes and the Policies and Procedures of the Rutherford County Sheriff's Office. The Evidence/ Property Personnel shall satisfy all legal requirements in regards to the advertising, notices, etc. Only Evidence/ Property Personnel may dispose of such property.
13. Found property that is unclaimed after thirty (30) days may be sold at auction. Before any auction can take place the evidence/ property personnel must publish a notice of unclaimed property in the local newspaper with a brief description of the property, the fact that the items listed are in the custody of the Rutherford County Sheriff's Office, that any person that may have claim to the property listed must show some type proof of ownership or be able to describe the items in detail and any person that wishes to claim the items must do so within ten (10) business days of the publication. After the expiration of the thirty (30) days found property may be sold (as described above) or donated to a charitable organization. After all requirements have been met the property will be sold to the highest bidder and all proceeds from the sale will first be used

to pay the cost and expenses of the sale and all other expenses as set forth in NCGS 15-15. Any remaining proceeds shall be turned over to the Rutherford County Board of Education.

14. The audit listed above will also be conducted whenever a new Evidence/ Property Personnel are appointed. In the case of the appointment of a new Evidence/ Property Personnel, both the incoming and outgoing Evidence/ Property Personnel will be present for the inspection.
15. Officers of the Department, while conducting investigations, searches, or effecting arrests, may seize various amounts of money. Certain precautions must be taken while handling the money to ensure the count is correct; the money is secure; properly packaged as evidence, and the integrity of the officers and the Department are protected.

A. Seizure of Money

1. When a large amount of money is involved (more than \$1,000.00) the investigating officer, with the assistance of another officer, shall seize the money and transport it in a secure manner to the Department (or a secured location) to be counted and documented. The seizing officer shall contact the on call Forensic Officer who will come out and assist in the counting, packaging, and documentation of the currency. The currency will then be turned over to the Forensic Officer for permanent storage.
2. The impounding officer seizing the money will be responsible for transporting, counting, documenting, and packaging the money until the money is turned over to the Property management Supervisor.
3. Officers should avoid being left alone with uncounted, unsecured money.
4. Relatively small amounts of money (\$1,000.00 or less) should be counted at the seizure location in the presence of its owner when practical and if circumstances permit.
5. When cash money is counted at the scene, two officers shall count the money independent of each other and verify the totals by comparison.
6. Money counts at the scene must be conducted in the presence of its owner when practical and circumstances permit and

documented by giving the owner of the money a receipt stating the amount of money that was seized.

B. Counting Larger Amounts of Seized Money

1. Another officer must be notified and present while handling money to ensure proper precautions and procedures are followed to maintain evidence integrity.
2. When large amounts of cash money (more than \$1,000.00) are brought to the Department for counting and packaging, officers will ensure that the area used for handling the money is secure.
3. No supervisor or officer will be left alone with uncounted, unsecured cash money.
4. The counting and proper verification of the cash money totals should be considered a priority when processing evidence which includes money.
5. The money should be counted in the presence of its owner when practical and circumstances permit. If this is not possible, the reason(s) will be documented in the Incident Report.
6. Only the impounding officer and the verifying officer should handle the money.
7. Two officers shall count the money separate and independent of each other and verify their totals by comparison.
8. Property/Evidence Report will be completed indicating the total amount. The owner or person from whom the money was seized should sign the Property/Evidence Report or sign the Rutherford County Sheriff's Office Property Receipt.

C. Packaging for Storage

All seized cash money is to be packaged properly and stored within the Property Management safe or in the BB&T Bank.

1. Cash money bills and coins should be packaged in clear plastic evidence bags. No other evidence is to be included.
2. Each evidence bag shall have the case number, officer's name, defendants name or owner's name, the amount of money, and item number clearly marked on each bag.

3. Currency shall also have witness's initials on the seal of each bag along with the collecting officer's initials.

D. Storage of Seized Monies.

1. In cases where the seized money totals (\$1,000.00 or less) the impounding officer may log the money into temporary storage located at the Forensic Building.
2. Amounts of money totaling (more than \$1,000.00) will not be placed in temporary storage evidence lockers located at the Forensic Building.
3. In cases where the seized money totals (more than \$250.00) the Property Management Supervisor, or his designee, shall turn the seized money over to the custody of the Rutherford County Finance Director as soon as feasible after the seized money is received. If the seized money totals (more than \$1,000.00) and is received after 5:00 PM or on Saturday or Sunday, the seizing officer shall contact the on call Forensic Officer to assist in the counting, packaging, and storage of the money. The property officer will securely store the money in the Property Management safe. The seized money will be removed from the Property Management safe and turned over to the Rutherford County Finance Director along with a copy of the Evidence/Property Report in the next scheduled business day.
4. If the seized money involved is a coin collection, rare money, or where the dollar value of the money is higher than the face value, that money will remain in the Property Management safe and will not be turned over to the Rutherford County Finance Director.
5. The property Management Supervisor or their designee shall deliver the evidence package to the Rutherford County Finance Department.
6. The Finance Director, or his/her designee, will sign the Evidence/Property Report verifying the receipt and amount of money. The Evidence/Property Report will be filed in the active case file.
7. The evidence will be checked out of Property Management with proper documentation on the Evidence/Property Report when needed for court purposes or when the evidence will be turned over to another organization or agency.

E. Release of Funds

1. When it becomes necessary to release impounded money, either held in the safe or in custody of the Rutherford County Finance Department,

the Property Management Supervisor shall notify the Sheriff, Chief, or the Captain of the Enforcement Division.

2. If the funds are in the custody of the Rutherford County Finance Department, the Sheriff, Chief, or the Captain of the Enforcement Division will send a letter to the Finance Department authorizing release of the seized funds. Finance will issue a check for the amount due in the name of the person or business authorized to receive the funds.

3. The check will be picked up at the Finance Department by the Property Management Supervisor, or his designee. A copy of the check will be made and attached to the Evidence/Property Report. The Evidence/Property Report will be signed by the Property Management Supervisor, or his designee, acknowledging receipt of the check.

4. When appropriate, certified letter will be sent to the authorized person informing them to pick up the check. When the check is picked up, the authorized person will sign the Evidence/Property Report acknowledging receipt of the funds.

5. If the monies are to be confiscated, the same procedure will be followed with the check made out to the appropriate organization or agency.

F. Seized Money as Evidence

Where the money is evidence, such as contaminated by blood or other substances, that money will be separated from other currency and placed in Property Management as evidence and handled appropriately. The Sheriff shall have the absolute authority to override any part of this policy when circumstances permit.

16. The General Provisions are hereby incorporated by reference as though fully written into this policy and procedure.

17. Violations of this policy shall be enforced.

NOTE: *This policy is for internal use only, and does not enlarge a deputy's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.*

Approved the 16th day of April 20 08

Sheriff: Jack L. Conner

RUTHERFORD COUNTY SHERIFF'S OFFICE

Directive Title: PHARMACEUTICAL DRUG DISPOSAL PROGRAM

Directive Number: 4.09

Date: April 2011

Purpose

The Rutherford County Sheriff's Office recognizes the value of cooperation with a pharmaceutical drug disposal program that provides safe and efficient means for the collection and proper disposal of pharmaceutical drugs no longer needed by the public.

The intent of the Operation Medicine Drop Permanent Collection Box Program is to provide citizens a convenient method to properly remove unneeded medications from their homes, thereby reducing the possibility for accidental or intentional misuse. This program also provides an environmentally safe alternative to disposing of medications in a community landfill and/of sewer system.

Collection Box Description, Location and Operation

The Rutherford County Sheriff's Office will utilize a steel, mailbox style collection box in which the citizens may deposit unused pharmaceutical medication. The box will be secured to the floor in the lobby of the Sheriff's Office located at 198 North Washington Street in Rutherfordton, NC. This area will be open to citizens during standard business hours when the reception desk is staffed by Sheriff's Office personnel. The door allowing citizens to enter the lobby will be locked at all other times. Video surveillance cameras will also be installed to ensure 24 hour monitoring of the lobby and collection box. The box will be secured by a keyed lock. The key for collection access door of the box will be maintained by Sworn Law Enforcement Officers from The Rutherford County Sheriff's Office Forensic Division.

Policy

The Rutherford County Sheriff's Office Forensic Division shall be responsible for the collection and secure storage of all pharmaceutical drugs placed in the collection box until they are turned over to the designated agent for destruction.

- A. A Certified Law Enforcement Officer of the Forensics Division shall be responsible for the collection of the deposited drugs on a weekly basis.
- B. Documentation in an Excel Spreadsheet shall be completed each time drugs are collected from the drop box. There shall be a PD number (in house tracking number for Pharmaceutical Drugs) assigned to each days count. (rev.08-12)
- C. Upon collection and proper documentation of the deposited drugs, they shall be transported to the Rutherford County Sheriff's Office Forensic Division Facility and turned over to an Evidence Technician for proper storage until destroyed.
- D. The Forensic Division Evidence Technician shall enter the collected drugs into the Evidence System using the normal documentation and scanning procedures.
- E. Access to the collection box shall be restricted to Sworn Law Enforcement Officers of the Forensic Division.
- F. The Forensic Division Evidence Technician shall generate a report on all drugs collected in the drop box. This report should start at the beginning of the calendar year and go through the last day of the year. This report will be saved on the SAN Unit or (Storage Area Network) which is located at the Rutherford County Information Technology Department.
- G. All Pharmaceutical drugs shall be incinerated by a provider of this service.

Approved the 10th day of August, 2012

Sheriff Chris Francis